(b)(3)-P.L. 86-36

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

-----Original Message-----
From: [redacted]
Sent: Monday, April 08, 2013 1:37 PM
To: Snowden Edward J NSA-FHV USA CTR
Cc: [redacted]

Subject: RE: (U) Question for OGC re OVSC1800 Course Content - (U) FW: Comments from the D2 General Counsel Email Us Form

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

Hello Ed,

Executive Orders (E.O.s) have the "force and effect of law." That said, you are correct that E.O.s cannot override a statute.

In general, DOD and ODNI regulations are afforded similar precedence though subject matter or date could result in one having precedence over another.

Please give me a call if you would like to discuss further.

Regards,

(b)(3)-P.L. 86-36

[redacted]
Office of General Counsel/D21
963-3121 NSTS/(301) 688-5015 Commercial
OPS 2B, 2B8134, Suite 6250
-----Original Message-----
From: ejsnowd@nsa.ic.gov [mailto:ejsnowd@nsa.ic.gov]
Sent: Friday, April 05, 2013 4:11 PM
To: DL gc_web (ALIAS) D2
Cc: Snowden Edward J NSA-FHV USA CTR
Subject: Comments from the D2 General Counsel Email Us Form

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

SID: ejsnowd

fullname: Ed Snowden

Org: FHV

Affiliation: Contractor

Secure_Phone: N/A

Message: Hello, I have a question regarding the mandatory USSID 18 training.

Approved for Release by NSA on 05-29-2014, FOIA Case # 78071

The training states the following:

(U) The Hierarchy of Governing Authorities and Documents is displayed from the highest authority to the lowest authority as follows:

    U.S. Constitution
    Federal Statutes/Presidential Executive Orders (EO)
    Department of Defense (DoD) and Office of the Director of National Intelligence (ODNI) Regulations
    NSA/CSS Directives and Policies
        USSIDs
        SID Management Directives and Policies
        Office Policies

I'm not entirely certain, but this does not seem correct, as it seems to imply Executive Orders have the same precedence as law. My understanding is that EOs may be superseded by federal statute, but EOs may not override statute. Am I incorrect in this? Between EOs and laws, which have precedence?

Similarly, between DOD and ODNI regulations, which has greater precedence?

Could you please clarify?

Thank you very much,

Ed

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

==========
Classification: UNCLASSIFIED~~//FOUO~~

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~